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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,945	01/14/2002	Steven C. Halper	97171-00006	5045

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EXAMINER
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GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
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3696

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07/22/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/046,945	<b>Applicant(s)</b> HALPER ET AL.	
	<b>Examiner</b> Clement B. Graham	<b>Art Unit</b> 3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-24, 26-38, 40-52 and 54-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-24, 26-38, 40-52, 54-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/5/09</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/05/09 has been entered.

1. Claims 1-10, 12-24, 26-38, 40-52, 54-56 remained pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10, 12-24, 26-38, 40-52, 54-56, are rejected under 35 U.S.C. 103(a) as being unpatentable over Dykstra et al (Hereinafter Dykstra U.S Patent No: 6, 029, 149) in view Lebda et al (Hereinafter Lebda U.S Patent 6, 385, 594).

As per claims 1-10, 12-14, Dykstra discloses an automated loan risk assessment system, comprising: means for receiving information about a loan; and means for the loan based on a plurality of risk factors including at least two of a fraud risk factor, an underwriting risk factor and a property valuation risk factor, whereby the numeric risk score can be used by a loan service provider in deciding whether or not to fund or insure the loan (Note abstract and see column 3 lines 32-67 and column 4-7 lines 1-67) calculating a numeric risk score for the loan and means for assigning a risk category to the loan based on the numeric risk score. (see column 2 lines 35-49 and column 4 lines 65-67 and column 5 lines 1-24 and column 6 lines 16-53 and column 7 lines 1-18).

Dykstra fail to explicitly teach means for generating in a computer screen for displaying at the computer screen to a user which includes the numeric risk score and the category to the user.

However Lebda discloses displaying information including each credit decision to the consumer advising that the selected set of the matching lending institutions represents possible candidates for offering credit or a loan to the consumer, thereby providing the consumer with the opportunity to accept the credit or loan offer from one of the selected set of identified lending institutions, such that the selected set of identified lending institutions competes for business with the consumer (see column 11 lines 40-67 and column 12 lines 1-29).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Dykstra to include means for generating in a computer screen for displaying at the computer screen to a user which includes the numeric risk score and the category to the user taught by Lebda in order to provide a universal credit qualification form over the Internet and to allow the Internet user to submit a single credit application to a plurality of lending institutions who then make offers to the customer via the Internet

As per claims 15-24, 26-28, Dykstra discloses an automated loan risk assessment system, comprising:

a mechanism adapted to receive information about a loan, and a mechanism adapted to calculate a numeric risk score for a loan based on a plurality of risk factors including at least two of a fraud risk factor, an underwriting risk factor and a property valuation risk factor, whereby the numeric risk score can be used by a loan service provider in deciding whether or not to fund or insure the loan. (Note abstract and see column 3 lines 32-67 and column 4-7 lines 1-67) and a mechanism for assigning a risk category to the loan based on the numeric risk score (see column 2 lines 35-49 and column 4 lines 65-67 and column 5 lines 1-24 and column 6 lines 16-53 and column 7 lines 1-18).

Dykstra fail to explicitly teach mechanism for generating a computer screen for displaying at the computer screen to a user which includes the numeric risk score and the category to a user.

However Lebda discloses displaying information including each credit decision to the consumer advising that the selected set of the matching lending institutions represents possible candidates for offering credit or a loan to the consumer, thereby providing the consumer with the

opportunity to accept the credit or loan offer from one of the selected set of identified lending institutions, such that the selected set of identified lending institutions competes for business with the consumer (see column 11 lines 40-67 and column 12 lines 1-29).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Dykstra to include mechanism for generating a computer screen for displaying at the computer screen to a user which includes the numeric risk score and the category to a user taught by Lebda in order to provide a universal credit qualification form over the Internet and to allow the Internet user to submit a single credit application to a plurality of lending institutions who then make offers to the customer via the Internet

As per claims 29-38, 40-42, Dykstra discloses a computer-readable medium whose contents cause a computer system to assess the risk associated with funding or insuring a loan by performing the steps of:

receiving information about a loan, calculating at the computer system a numeric risk score for the loan based on a plurality of risk factors including at least two of a fraud risk factor, a credit risk factor and a property valuation risk factor. (Note abstract and see column 3 lines 32-67 and column 4-7 lines 1-67) assigning at the computer system a risk category to the loan based on the numeric and risk score and risk category (see column 2 lines 35-49 and column 4 lines 65-67 and column 5 lines 1-24 and column 6 lines 16-53 and column 7 lines 1-18).

Dykstra fail to explicitly teach displaying at the computer screen to a user which includes the numeric risk score and the category.

However Lebda discloses displaying information including each credit decision to the consumer advising that the selected set of the matching lending institutions represents possible candidates for offering credit or a loan to the consumer, thereby providing the consumer with the opportunity to accept the credit or loan offer from one of the selected set of identified lending institutions, such that the selected set of identified lending institutions competes for business with the consumer (see column 11 lines 40-67 and column 12 lines 1-29).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Dykstra to include displaying at the computer screen to a user which includes the numeric risk score and the category taught by Lebda in order

to provide a universal credit qualification form over the Internet and to allow the Internet user to submit a single credit application to a plurality of lending institutions who then make offers to the customer via the Internet.

As per claims 43-52, 54-56, Dykstra discloses a computer-implemented method of assessing the risk associated with the funding or insuring of a loan, comprising: receiving information about a loan, calculating at a computer system a numeric risk score for a loan and based on a plurality of risk factors including at least two of a fraud risk factor, an underwriting risk factor and a property valuation risk factor. (Note abstract and see column 3 lines 32-67 and column 4-7 lines 1-67) assigning at a computer system a risk category to the loan based on the numeric risk score (see column 2 lines 35-49 and column 4 lines 65-67 and column 5 lines 1-24 and column 6 lines 16-53 and column 7 lines 1-18).

Dykstra fail to explicitly teach displaying at the computer screen to a user which includes the numeric risk score and the category.

However Lebda discloses displaying information including each credit decision to the consumer advising that the selected set of the matching lending institutions represents possible candidates for offering credit or a loan to the consumer, thereby providing the consumer with the opportunity to accept the credit or loan offer from one of the selected set of identified lending institutions, such that the selected set of identified lending institutions competes for business with the consumer (see column 11 lines 40-67 and column 12 lines 1-29).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Dykstra to include displaying at the computer screen to a user which includes the numeric risk score and the category taught by Lebda in order to provide a universal credit qualification form over the Internet and to allow the Internet user to submit a single credit application to a plurality of lending institutions who then make offers to the customer via the Internet.

## **RESPONSE TO ARGUMENTS**

4. Applicant's arguments filed 5/05/09 has been fully considered but they are not persuasive for the following reasons.

5. In response to Applicant's arguments that Dykstra fail to teach or suggest "calculating a risk score for a loan based on a fraud risk factor, an underwriting risk factor, and a property valuation risk factor and assigning a risk category to the total risk score displaying a risk category to the user in addition to displaying the total risk score and means for receiving information about a loan and means for the loan based on a plurality of risk factors including at least two of a fraud risk factor, an underwriting risk factor and a property valuation risk factor, whereby the risk score can be used by a loan service provider in deciding whether or not to fund or insure the loan calculating a risk score for the loan", the Examiner disagrees with Applicant's because the limitations were addressed as stated.

Dykstra discloses an automated loan risk assessment system, comprising: means for receiving information about a loan and means for the loan based on a plurality of risk factors including at least two of a fraud risk factor, an underwriting risk factor and a property valuation risk factor, whereby the numeric risk score can be used by a loan service provider in deciding whether or not to fund or insure the loan (Note abstract and see column 3 lines 32-67 and column 4-7 lines 1-67) calculating a numeric risk score for the loan and means for assigning a risk category to the loan based on the numeric risk score. (see column 2 lines 35-49 and column 4 lines 65-67 and column 5 lines 1-24 and column 6 lines 16-53 and column 7 lines 1-18).

However Lebda discloses displaying information including each credit decision to the consumer advising that the selected set of the matching lending institutions represents possible candidates for offering credit or a loan to the consumer, thereby providing the consumer with the opportunity to accept the credit or loan offer from one of the selected set of identified lending institutions, such that the selected set of identified lending institutions competes for business with the consumer (see column 11 lines 40-67 and column 12 lines 1-29). It is obviously clear that Applicant's claimed limitations were addressed within the teachings Dykstra and Lebda.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B. Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frantzy Poinvil/  
Primary Examiner, Art Unit 3696

CG

7/14/09